

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

GMAC Bank, a federal savings bank,

Civil No. 09-1041 (JNE/JJG)

Plaintiff,

v.

ORDER

Union Capital Mortgage Business Trust,
a Massachusetts voluntary association,
and UCM, LLC, a Massachusetts limited
liability company, in capacity as Trustee
of Union Capital Mortgage Business
Trust,

Defendants.

This case came before the Court on September 16, 2010, on Plaintiff's Motion for Default Judgment against Defendants Union Capital Mortgage Business Trust and UCM, LLC, in capacity as Trustee of Union Capital Mortgage Business Trust. Jessica M. Marsh appeared for Plaintiff. No appearance was made for Defendants.

Plaintiff brought this action in state court in 2009, and Union Capital removed the action to this Court. After filing an answer and negotiating discovery, Defendants' counsel filed a motion to withdraw without substitution. On January 24, 2010, a magistrate judge took the motion under advisement and ordered defense counsel to notify Defendants that they would be in default unless they obtained substitute counsel by February 1, 2010. Defense counsel gave the requisite notice. The magistrate granted defense counsel's motion to withdraw on February 18, 2010. The next day, the Clerk of the Court entered a default. In the intervening months, Defendants have made no appearance before the Court.

Plaintiff seeks a default judgment in the amount of \$1,537,320.89, including \$1,523,535.50 in liquidated damages for breach of contract and \$13,785.39 for reasonable

attorney fees. Having reviewed the record, the Court concludes that Plaintiff is entitled to the requested relief.

Based on the files, records, and proceedings herein, and for the reasons stated above, IT
IS ORDERED THAT:

1. Plaintiff's motion for default judgment [Docket No. 25] is GRANTED.
2. Plaintiff GMAC Bank recover from Defendants Union Capital Mortgage Business Trust and UCM, LLC, in capacity as Trustee of Union Capital Mortgage Business Trust, the amount of \$1,537,320.89, which consists of \$1,523,535.50 in liquidated damages, and \$13,785.39 in reasonable attorney fees.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: September 16, 2010

s/ Joan N. Erickson
JOAN N. ERICKSEN
United States District Court Judge